

30010. Adulteration and misbranding of tincture of iodine. U. S. v. Dermay Perfumers, Inc. Plea of guilty. Fine, \$100. (F. & D. Nos. 38629, 39743. Sample Nos. 1026-C, 6627-C, 15938-C, 22545-C, 22699-C.)

This product was sold under a name recognized in the United States Pharmacopoeia, but contained a smaller amount of iodine than required by that authority.

On August 18, 1938, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court an information against Dermay Perfumers, Inc., New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act within the period from on or about September 11, 1935, to on or about January 19, 1937, from the State of New York into the States of Mississippi, Georgia, and Florida, of quantities of tincture of iodine that was adulterated and misbranded. A portion of the article was labeled: (Bottle) "U. S. P. Tincture Iodine * * * Tip Top Products Co., New York, Chicago [or "Liberty Products Co., Erie., Pa.]""; (carton) "Tincture of Iodine U. S. P., Double strength." The remainder was labeled: "U. S. P. Tincture Iodine * * * First Aid Prod. Corp., N. Y."

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia but differed from the standard of strength, quality, and purity as determined by the test laid down therein since it contained less than 6.5 grams of iodine per 100 cubic centimeters; whereas the pharmacopoeia provides that tincture of iodine shall contain not less than 6.5 grams of iodine per 100 cubic centimeters, and the standard of strength, quality, and purity of the article was not declared on the container.

Misbranding was alleged in that the following statements in the labeling, (bottles, all lots) "U. S. P. Tincture Iodine," (cartons, one lot) "Tincture of Iodine U. S. P., Double Strength," (cartons, remaining lots) "U. S. P., Tincture (nc) Iodine," were false and misleading in that they represented that the article was tincture of iodine which conformed to the standard laid down in the United States Pharmacopoeia; whereas it did not conform to the standard laid down in the pharmacopoeia for tincture of iodine, nor for tincture of iodine double strength.

On November 7, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30011. Adulteration and misbranding of Q-Tips. U. S. v. 1 Gross of Q-Tips (and 2 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 42477, 43409, 43183. Sample Nos. 17360-D, 33665-D, 33670-D.)

This product was represented to consist of boric-tipped, sterilized swabs. It contained, however, but a trace of boric acid or other borate and when examined, was contaminated with viable micro-organisms. A circular shipped with two of the lots bore false and fraudulent representations regarding its curative and therapeutic effects, and other misrepresentations.

On May 27, August 1, and August 20, 1938, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1 gross and 366 packages of Q-Tips at Baltimore, Md.; alleging that the article had been shipped in interstate commerce within the period from on or about March 19, 1938, to on or about July 22, 1938, by the John M. Maris Co. from Philadelphia, Pa.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Adulteration was alleged in that the strength and purity of the article fell below the professed standard and quality for which it was sold, namely, (carton, one lot) "Boric Tipped," (leaflet, same lot) "Sterilized * * * Q-Tips are * * * sterilized * * * They are tipped * * * with * * * sterilized cotton and tipped with boric acid," and (carton, remaining lots) "Boric Tipped * * * Safe and Sanitary, Sterilized," since the article was not sterile and contained but an inconsequential amount of boric acid or other borate.

Misbranding was alleged in that the statements (cartons, all lots) "Boric Tipped Safe and Sanitary," (leaflet, two lots) "Sterilized—Safe—Sanitary swabs * * * Q-Tips are * * * Sterilized They are tipped * * * with * * * sterilized cotton and tipped with boric acid. The cellophane wrapper protects Q-Tips from germs," were false and misleading. The product contained in two of the shipments was alleged to be misbranded further in that

the following statements appearing in a circular shipped with it were false and misleading in that they would lead the purchaser to believe that the article was safe and appropriate for use as recommended; whereas it was not safe and appropriate to use as recommended. * * * Safe—Sanitary Swabs 100 Aids To Health * * * Home-made swabs are dangerous, unsanitary and often carry infection. For the uses described in this folder, doctors recommend Q-Tips. Q-Tips are applicators, * * * sterilized. They are tipped at both ends with prepared swabs of * * * sterilized cotton and tipped with boric acid * * * To safe-guard your family, keep Q-Tips in your medicine cabinet and in the nursery. For the Nursery. The use of Q-Tips (endorsed * * *) safe-guards baby's health * * * Cleansing Baby's Nose: Dip Q-Tip in liquid albolene, insert it only into the lower, expanded part of the nostril and twirl gently several times. Use the opposite end for the other nostril. Cleansing Eyes: For removing hardened mucus, moisten a Q-Tip with boric acid solution and wipe away gently. For daily cleansing of eyes, pour a weak boric acid solution on the Q-Tip and let it drip gently into the corner of the eye. * * * Other Cleansing: For uncircumcised babies, have your doctor show you how to preserve scrupulous cleanliness. Q-Tips should always be used for washing, drying and applying vaseline. * * * Intertrigo: Lying on soiled diapers causes this irritation of thighs and buttocks. Wash and dry the skin and use Q-Tip to apply zinc ointment generously to inflamed spots * * * Nursing Mothers: Before and after nursing, soak Q-Tip with saturated boric acid solution fresh from the bottle and wash each nipple. Never touch nipple with infection to the tender skin surface and tend to spread it. Q-Tips protect and preserve a clear, smooth skin. * * * Blackheads: Cleanse face, apply hot wet cloths to open pores, gently press blackheads out. Then dash on cold water and apply witch hazel with a Q-Tip. * * * Cracked Lips: Apply with Q-Tip a cream made of ½ ounce each of glycerine and lanolin * * * Health Helps Q-Tips are ideally clean * * * Blisters: * * * Prick the blister, apply zinc oxide with Q-Tip * * * bleeding: To stop oozing of blood from small cuts, moisten Q-Tip, dip into powdered alum and apply * * * Cold Sores: Apply zinc ointment with a Q-Tip. * * * Facial Eruptions: Apply with Q-Tips, lotion or ointment prescribed by your doctor. Do not use fingers. Frost Bites or Chilblains: Apply ichthyol ointment with Q-Tip. Granulated Eyelids: Moisten Q-Tip and cleanse margin of lids gently * * * Nose Bleed: Insert just within nostril, end of Q-Tip soaked in strong alum solution and press against partition between nostrils for several minutes. Nose Colds: To relieve tickling and discomfort: lubricate each nostril with vaseline or nasal jelly recommended by doctor. Apply by twirling Q-Tip gently. Shaving Cuts: Apply powdered alum with moistened Q-Tip. Do not use alum stick. Sore Nipples: Cleanse with boric acid solution and use other end of Q-Tip for applying glycerine. * * * Gum Boils: Dry inflamed spot with Q-Tip. Dip other end in strong alum solution and apply. * * * Spongy Gums: Apply with Q-Tip myrrh full strength."

The product contained in the two shipments was alleged to be misbranded further in that the statements above-quoted were statements regarding the curative and therapeutic effects of the article, and were false and fraudulent in that they represented that the article was safe and appropriate when used as directed for the conditions recommended; whereas it was not safe and appropriate for the conditions recommended when used as directed.

A claim having been entered in the case involving 1 gross of the product, but later having been withdrawn and no claim or answer having been filed in the remaining cases, on October 18 and December 1, 1938, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30012. Adulteration and misbranding of Kinney's Yeast Extract. U. S. v. 718 Bottles of Kinney's Yeast Extract. Default decree of condemnation and destruction. (F. & D. No. 40638. Sample No. 65501-C.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, was found at the time of examination to contain less than one-half the amount of vitamin B (B₁) declared on the label.

On November 1, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 718 bottles of Kinney's Yeast Extract at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about October 11 and 16, 1937, by Scientific Sugars